

REMARKS

Applicant amended claims 1, 31, and 35, and canceled claims 6, 32, 37, 38, and 42. In particular, the independent claims (1, 31, and 35) are amended to include the features of claim 6. Claims 1, 3-5, 7-31, 33-36, 39-41, and 43-56, of which claims 1, 31 and 35 are in independent form, are presented for examination.

Claims 1, 3-10, 16-19, 30-33, 42-45, and 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 0 962 997 (Friend) in view of U.S. Patent No. 4,177,157 (Adams).

But neither Friend nor Adams discloses or suggests a cathode comprising between about 6% and about 10% of carbon fibers by weight, as claimed. As acknowledged by the Examiner, Friend does not teach using more than about 6% of carbon fibers. (See, e.g., Office Action mailed December 2, 2003, page 3.) Similarly, Adams also does not disclose or suggest using between about 6% and about 10% of carbon fibers by weight:

The total graphite content of a nickel electrode, for example, advantageously comprises up to about 30% by weight of the dry filter cake with about 23%-30% being preferred. The graphite therein is preferably in both the powdered and fibrous form (i.e. about 0.5 mm long), there being about half again as much powdered graphite (i.e. by weight) as there is fibrous graphite, though this can vary considerably.

(col. 4, lines 28-36.) Rather, it appears that Adams discloses using at best about 11.5%-15% or 10.5% of carbon fibers by weight. Thus, neither of the cited references disclose or suggest the claimed range. Even if the references could be combined, which Applicant does not concede, the combination would not result in the claimed battery. For at least this reason, the rejection should be reconsidered and withdrawn.

Under 35 U.S.C. § 103(a), claims 11, 12, and 35-38 are rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,948,484 (Andersen), claims 13-15, 20-22, 29-41, 46-48, and 50 are rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,923,637 (Yagi); claims 23 and 49 are rejected as being unpatentable over Friend in view of Adams and Yagi and further in view of Lafdi and Wright, Carbon Fibers from Handbook of Composites (Lafdi); claims 26 and 52 are rejected as

being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,005,183 (Singer); claim 34 is rejected as being unpatentable over Friend in view of Adams and further in view of Lafdi; claims 24, 25, 50 and 51 are rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 6,506,355 (Glasgow); claims 27 and 53 are rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 5,482,798 (Mototani); claims 28 and 54 are rejected as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 4,777,100 (Chalilpoyil); and claims 29 and 55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Friend in view of Adams and further in view of U.S. Patent No. 6,287,730 (Callahan).

As indicated above, the claims have been amended to include the features of now-canceled claim 6, which was not rejected as being unpatentable over combinations of the above references. Accordingly, these rejections should be withdrawn.

Information Disclosure Statements

Applicant request that the Examiner review the enclosed Information Disclosure Statements (IDSs) and return initialed copies of the Form 1449s. These IDSs were filed on April 10, 2001; June 1, 2001; August 27, 2001; and March 16, 2004, and according to PAIR, it appears that the Patent Office did received them.

Applicant believes the claims are in condition for allowance, which action is requested.


Enclosed is a Petition for Extension of Time check and the fee. Please apply any other charges or credits to deposit account 06-1050.

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Respectfully submitted,

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